

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DANYELL THOMAS, RASHAUN F. FRAZER,
ANDRAE WHALEY and ELENI MIGLIS,
individually and on behalf of all other employees
similarly situated

Plaintiffs

v. : Civil Action No. 16-cv-8160
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BED BATH AND BEYOND, INC.

Defendant.

DECLARATION OF LETICIA DELRIO

I, Leticia DelRio, based on my personal knowledge of the facts stated herein, testify by Declaration as follows:

1. I am over the age of 18 and am otherwise competent to testify to the matters contained in this Declaration, and if so called, would testify to the facts below.
2. All of the statements in this Declaration are true and accurate to the best of my knowledge.
3. The facts set forth in this Declaration are based on my own personal knowledge and the stores in which I have experience as an Assistant Store Manager and Store Manager.
4. I became employed by Bed Bath and Beyond Inc. ("BBB") in 2007, and within approximately three (3) months was promoted to the role of Assistant Store Manager. I worked as Assistant Store Manager for approximately three (3) years in Store 247 in Elmsford, New York, and Store 135 in Queens, New York. During my three (3) years as an Assistant Store Manager, I was primarily an Operations Manager but also worked as a Merchandise Assistant

Manager for a brief period of time. In or around 2010, I was promoted to Store Manager of Store 1246 in Flushing, New York. In or around 2012, I became the Store Manager of Store 1296 in the Bronx, New York. In December 2014, I became the Store Manager of Store 1194 in the Tribeca neighborhood of New York City. I served as Store Manager in Tribeca until October 2016 when I became the Store Manager of Store 1408 in Harlem, New York, which is where I currently work.

5. Hector Caraballo (“Caraballo”) was employed as an Assistant Store Manager in Store 1194 in Tribeca during a period of time in which I was the Store Manager. Caraballo was already employed as an Assistant Store Manager when I became Store Manager.

6. Store 1194 is a very high volume store. During the time I was Store Manager, there were three (3) Assistant Store Managers (including Caraballo), four (4) Department Managers, and approximately 80 hourly associates.

7. In my experience, Assistant Store Managers are important members of management. They are the leaders of the store, in charge of assisting the Store Manager with running the store, and are responsible for training and developing the associates. When a Store Manager is not at the store, the Assistant Store Manager is in charge of the entire store. When associates are not performing as they should, Assistant Store Managers counsel the associates and discipline them as necessary. Assistant Store Managers also assist the Store Manager with interviewing and hiring store associates.

8. During my three (3) years as an Assistant Store Manager, I performed these management duties and frequently assisted in the interviewing, hiring, and disciplining of associates and Department Managers. I was also responsible for training and developing the

hourly associates and Department Managers, supervising them, delegating tasks to them, and assisting the Store Manager with the operations of the store.

9. Caraballo understood what his job duties as an Assistant Store Manager required, but his performance as an Assistant Store Manager was well-below average.

10. When I became a Store Manager in Tribeca, it was immediately apparent to me that Caraballo was not performing as an Assistant Store Manager should. During my first week as a Store Manager in Tribeca, I overlapped with the predecessor Store Manager for one (1) week. The predecessor Store Manager informed me that Caraballo had been placed on a development plan due to his performance issues.

11. A development plan is a performance plan that typically lasts for approximately three (3) months. Managers who are having consistent job performance issues are placed on development plans in order to improve their management skills. Managers placed on development plans are informed at the outset that failing to improve by the end of the three (3) month period may result in termination.

12. Caraballo failed to perform as required while on the development plan. Caraballo had management responsibilities that he *should* have been doing, but consistently failed to do. Caraballo failed to delegate or follow up with Department Managers or associates. For example, Caraballo left for a vacation and failed to delegate tasks to the Department Managers or associates to complete in his absence. One Department Manager complained to me about Caraballo's failure to give direction prior to leaving for vacation.

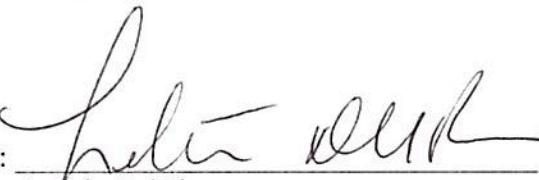
13. Often, instead of completing his management duties, Caraballo would just walk around the store. When I would speak with Caraballo about what he accomplished for the day as part of his management responsibilities, he rarely had anything to report.

14. Because of Caraballo's consistent performance issues and failure to improve while on the development plan, he was terminated.

15. The other two (2) Assistant Store Managers who worked alongside Caraballo in the Tribeca store did not have performance issues. These two (2) Assistant Store Managers consistently performed in accordance with the responsibilities of a manager.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 4 day of April, 2017.

By: 

Leticia DelRio
Store Manager
Bed Bath and Beyond Inc.